

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**JOE FLORES, an individual, and
CONNIE FLORES, an individual,**

Plaintiffs,

v.

**EMERICH & FIKE, a professional
corporation, et al.,
Defendants.**

1: 05 - CV - 0291 AWI DLB

**ORDER VACATING JUNE 18, 2007
HEARING DATE**

On May 4, 2007, Defendants Dennis Hagobian, Victoria Hagobian, the Dennis Hagobian Residential Trust, the Victoria Hagobian Residential Trust, Yosemite Technologies, Inc., and Rod Christensen (“Hagobian Defendants”) filed a motion to dismiss the complaint. On May 7, 2007, Defendants Sandy L. Vartan, Judith Yeramian, the Judith Mary Yeramian Family Trust, and the Lee Yeramian Exempt QTIP Trust (“Yeramian Defendants”) filed a motion to dismiss the complaint. On May 7, 2007, Defendants Russell Davidson and W.D. Farming LLC joined the motion to dismiss filed by the Hagobian Defendants. The Defendants originally noticed their motions for hearing to be held on June 4, 2007 before the Honorable Oliver W. Wanger. On May 17, 2007, Judge Wanger continued the hearing to June 18, 2007, pursuant to the parties’ stipulation. On June 6, 2007, Judge Wanger related this action to other actions pending before the undersigned and reassigned this action to the undersigned. Judge Wanger’s order did not change the hearing date for Defendants’ motions.

1 Pursuant to Local Rule 78-230(c), Plaintiffs were required to file either an opposition or a
2 notice of non-opposition to Defendants' motions no later than June 4, 2007. Plaintiffs failed to
3 do so. On June 7, 2007, Plaintiff Joe Flores did file a late opposition, which Plaintiff Connie
4 Flores joined.

5 Due to Plaintiffs' failure to file a timely opposition or notice of non-opposition, they are
6 in violation of the Local Rules, and Plaintiffs are not entitled to be heard at oral argument in
7 opposition to the motion. See 78-230(c). In addition, the court has reviewed Defendants'
8 motions, the late opposition, reply brief, and the applicable law, and has determined that the
9 motions to dismiss are suitable for decision without oral argument. See Local Rule 78-230(h).

10 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of June 18,
11 2007, is VACATED, and no party shall appear at that time. As of June 18, 2007, the court will
12 take the matter under submission, and will thereafter issue its decision.

13
14 IT IS SO ORDERED.

15 **Dated: June 13, 2007**

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE